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Examiner:	Jeffery A. Brier
Technology Center:	2672
Serial Number:	09/526,442
Attnv Dkt.:	10442-5US JA/AD

File No.: 10442-5US AD

October 11, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: AHMED, Kamran
Serial No.: 09/526,442
Filing date: March 16, 2000
Title: VIDEO DISPLAY SYSTEM WITH TWO CONTROLLERS
EACH ABLE TO SCALE AND BLEND RGB AND YUV
SURFACES

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SUPPLEMENTAL REPLY BRIEF

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U.S.A.

Sir:

This is in response to the Supplemental Examiner's Answer, dated August 9, 2005 in response to the Reply Brief filed on March 29, 2004. In accordance with 37 CFR §41.50(a)(2)(ii), the Applicant hereby requests that the Appeal be maintained. The present Supplemental Reply Brief is being filed in

accordance with 37 CFR §41.41 of the Patent Rules. Please consider the remarks below.

1. STATUS OF CLAIMS

The Appellant has no comments to add to this section.

2. STATUS OF AMENDMENTS

The Appellant has no comments to add to this section.

3. SUMMARY OF THE INVENTION

The Examiner asserts that the Appellant incorrectly alleges the controller combines (blend and/or overlay) the at least two first surfaces while the specification did not describe blending and overlaying two first surfaces. The Examiner is correct in recognizing that the summary of the invention in Appellant's brief describes that both the first display controller and the second display controller independently blend and overlay. However, the Examiner is incorrect in his assertion that this breadth was not fully supported by the specification as originally filed.

The claims, as originally filed, described the step of having a first display controller that can "combine (blend and/or overlay) the at least two first surfaces" and a second display controller that can "combine (blend and/or overlay) the at least two second surfaces". This was also stated in the summary of the invention of the application as originally filed at page 2, line 19 and page 3, line 6. In addition, the specification as originally filed comprised the following statement at page 7, lines 11-14:

"Each CRTS contains one or more backend Scaler (14) (refer to Figure 2) that allows the input surfaces to be re-scaled before being combined (overlaid, blended etc.) with the other.

surface. Alternatively, prescaling of any surface could be done by the drawing engine."

And the following statement at page 7, lines 20-21:

"Each CRTC also contains a combining unit (or sub picture blending unit) for combining (overlaying or blending) the two surface (sic)."

While the statement "combine (blend and/or overlay)" was amended from claim 1, this was done as a result of a 112(2) rejection from the examiner, who claimed that the expression was not clear. It was replaced by "at least one of blend and overlay", which was not intended to change the scope of the claim, but merely to remove the inappropriate claim language of "and/or" which can be considered ambiguous and indefinite. What was intended to be the invention has not changed throughout the prosecution of the present application and the original claims were fully supported by the accompanying disclosure. The Appellant would like to point out that this particular amendment came as a result of an interview with the Examiner on September 12, 2002, where it was agreed by both parties that the statement "at least one of blend and overlay" was a suitable and clear replacement for "combine (blend and/or overlay)" in order to clarify the claim language that did not change the scope of claim 1. The expression in Claim 1 was not rejected under 35USC112(1) prior to the amendment in the first office action and at the time that this clarifying amendment was agreed to.

The Examiner has asserted in his Answer that this amendment "altered the function of the first display controller" (page 8, line 13 of the Answer), and the same is said for the second controller. This is not correct. The original plain English expression of "blend and/or overlay" includes the embodiments of blending alone, overlaying alone and performing both blending and overlaying. It is widely recognized in patent claim language that the plain English expression "A and/or B" is preferably expressed unambiguously in patent claim language as "at least one of A and B", while in the case that the combination of A and B is not to be included, the plain English expression is "A or B" (in Boolean logic, one

would use the exclusive-OR operator) which is preferably expressed in patent claim language as "one of A and B". In this instance, "combine (blend and/or overlay)" as expressed in the originally presented claims and specification is correctly and identically expressed in patent claim language as "at least one of blend and overlay". No alteration of embodiments covered by the claim language can possibly result from the amendment.

4. ISSUES

The Appellant has no comments to add to this section.

5. GROUPING OF CLAIMS

The Appellant has no comments to add to this section.

6. ARGUMENT

First Issue

In his Supplemental Answer, the Examiner asserts that it is not possible to combine (blend and overlay) with the display controller described by the Applicant. The Applicant strongly disagrees with this statement and has indicated his reasons for disagreement in both the Appeal Brief and the Reply Brief previously filed. The Applicant maintains that the present application properly describes this function and that a person skilled in the art would have clearly understood it as such. The Examiner's arguments with respect to recent CAFC decisions with concerning the interpretation of the expression "at least one of" are moot since the expression "combine (blend and/or overlay) would have been properly understood by a person skilled in the art from the application as originally filed. Therefore, the amendment made to the claims and specification do not change the meaning of the claims and specification to something different from what was originally disclosed.

Second Issue

The Examiner is putting unfair expectations on the specification by maintaining that the amendment proposed to the specification raises the issue of new matter. The Examiner has not demonstrated what a person of ordinary skill in the art would have understood from the original disclosure. The Examiner has simply demonstrated that *he* would not have seen the RGB desktop as inherent to the applicant's specification. However, one must look at the specification and reasonably assess the relative skill of those in the art in relation to the subject matter to which the claimed invention pertains at the time the application was filed, namely March 2000. The Applicant maintains that the RGB desktop is inherent to the application as originally filed.

Third Issue

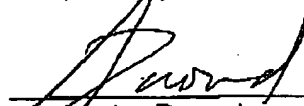
The Applicant is in agreement with the Board's position on the third issue as illustrated in the "Remand to the Examiner". The mere fact that additional logic may be added does not necessarily indicate using a second display controller and the additional features pointed out by the Examiner. In fact, the Applicant maintains that Ranganathan does not teach using a second display controller as recited in the present claims.

The Examiner has stated that the claimed invention only required blending or overlaying, not both blending and overlaying. This statement is based on the Examiner's position with respect to the original expression "combine (blend and/or overlay)". However, in view of the arguments provided on this topic with respect to issue 1, the Applicant maintains his position that the original expression did include blending and overlaying and therefore, the reference must teach this feature in order to render the present claims obvious.

This is not the case and therefore, the claims are patentable in view of Ranganathan.

Accordingly, a decision in favor of the acceptability of the claims under appeal is respectfully solicited.

Respectfully submitted,



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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Alexandra Daoud

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October 11, 2005

Date